

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/871,569

Confirmation No. 3485

Applicant: Feilbogen et al.

Filed: May 31, 2001

TC/AU: 3693

Examiner: Jason M. Borlinghaus

Docket No.: 702984

Customer No.: 23460

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the "Notification of Non-Compliant Appeal Brief" dated March 8, 2011, Applicants submit a corrected section "Summary of Claimed Subject Matter" and a Claims Appendix including a copy of the appealed claims (reflecting the claim amendment made in the October 1, 2009 Reply to Office Action as being entered) for "Appellants' Appeal Brief" dated February 22, 2011.

Respectfully submitted,



Paul J. Filbin, Reg. No. 51,677
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: July 8, 2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Patent Application No. 09/871,569

Confirmation No. 3485

Applicants: Feilbogen et al.

Filed: May 31, 2001

Title: METHOD AND SYSTEM FOR FOREIGN EXCHANGE PRICE
 PROCUREMENT AND AUTOMATED HEDGING

TC/AU: 3693

Examiner: Jason M. Borlinghaus

Docket No.: 702984

Customer No.: 23460

CORRECTED PORTIONS OF APPELLANTS' APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Summary of Claimed Subject Matter

Claims 20-54 are being appealed. Claims 20, 37, 38, and 54 are independent claims. All claims are supported by the original specification.

Claim 20 is directed to a hedging processor for monitoring business transactions for goods of commerce of a customer 25 in a first type of currency. *See, e.g.*, p. 7, ¶ 0019, lines 1-3. The hedging processor includes at least one input and a processor. *See, e.g., id.* at lines 1-4.

The hedging processor includes at least one input for receiving business transaction information regarding a plurality of business transactions including purchases or sales of goods by a customer 25. *See, e.g., id.* at lines 1-4. The at least one input is also for receiving hedging rules (6) from the customer 25 and set by the customer 25. *See, e.g.*, p. 8, ¶ 0020, lines 1-3; p. 15, ¶ 0044, line 1; FIG. 3. The hedging rules (6) define a first user-specified event to initiate an exchange of the customer's 25 first type of currency to a second type of currency on the customer's 25 behalf. *See, e.g.*, p. 9, ¶ 0024, lines 1-6. The at least one input is also for receiving pricing rules (5) from the customer 25 and set by the customer 25. *See, e.g.*, p. 8, ¶ 0020, lines 1-3; p. 15, ¶ 0044, line 1; FIG. 3. The pricing rules (5) define a second user-specified event to update foreign currency prices of said goods. *See, e.g.*, p. 8, ¶ 0020, lines 1-3; pp. 8-9, ¶ 0023, lines 1-6. The at least one input is also for receiving public price information (4) from at least one of a plurality of foreign exchange (FX) rate providers or FX liquidity providers 5. *See, e.g.*, p. 8, ¶ 0020, lines 3-6 and ¶ 0022, lines 3-6; FIG. 4.

The hedging processor includes a processor operably arranged with said at least one input. *See, e.g.*, p. 19, ¶ 0051, lines 1-11; pp. 19-20, ¶ 0052, lines 1-9; FIGS. 3 and 4. The processor contains a computer readable program code for generating hedging instruction information to provide instructions to at least one of the plurality of FX rate providers or FX liquidity providers 5 to exchange said first type of currency to said second type of currency, based on said hedging rules and the occurrence of the first user specified event. *See, e.g.*, pp. 12-13, ¶ 0037, lines 1-7. The computer readable code is also for generating public price information to provide updated foreign currency prices of said goods to the customer 25, based on said pricing rules. *See, e.g.*, p. 8, ¶ 0020, lines 3-6.

Claims 21-36 depend from claim 20. These dependent claims provide further description of the hedging processor of claim 20.

Claim 37 is directed to a hedging processor for monitoring business transactions for goods of commerce of a customer 25 in a first type of currency. *See, e.g.*, p. 7, ¶ 0019, lines 1-3. The hedging processor includes at least one input and a processor. *See, e.g., id.* at lines 1-4.

The hedging processor includes at least one input for receiving business transaction information from a customer 25 regarding a plurality of business transactions including purchases or sales of goods. *See, e.g., id.* The at least one input is also for receiving currency exchange rules from a customer 25 and set by the customer 25. *See, e.g.*, p. 8, ¶ 0020, lines 1-3; p. 15, ¶ 0044, line 1; FIG. 3. The currency exchange rules define a customer-specified event to initiate an exchange of a first currency to a second currency for the customer 25. *See, e.g.*, p. 9, ¶ 0024, lines 1-6. The at least one input is also for receiving public price information (4) from at least one of a plurality of foreign exchange (FX) rate providers or FX liquidity providers 5. *See, e.g.*, p. 8, ¶ 0020, lines 3-6 and ¶ 0022, lines 3-6; FIG. 4.

The hedging processor includes a processor operably arranged with said at least one input. *See, e.g.*, p. 19, ¶ 0051, lines 1-11; pp. 19-20, ¶ 0052, lines 1-9; FIGS. 3 and 4. The processor contains a computer readable program code for generating public price information to provide foreign prices of said goods, based on at least one of a predetermined foreign exchange rate. *See, e.g.*, p. 8, ¶ 0020, lines 3-6. The computer readable code is also for generating currency exchange instruction information to provide instructions to at least one of the plurality of FX rate providers or FX liquidity providers 5 to exchange said first currency to said second currency, based on said currency exchange rules and the occurrence of the user-specified event. *See, e.g.*, pp. 12-13, ¶ 0037, lines 1-7.

Claim 38 is directed to a computerized method for administering transactions involving goods of commerce with a plurality of currency types. *See, e.g.*, p. 7, ¶ 0019, lines 1-3. In the method, a hedging processor receives currency exchange rules from a customer 25 and set by the customer 25. *See, e.g.*, p. 8, ¶ 0020, lines 1-3; p. 15, ¶ 0044, line 1; FIG. 3. The currency exchange rules define a first customer-specified event relating to the customer's 25 transactions

involving said goods in a first type of currency that triggers the hedging processor to initiate an exchange of said first type of currency to a second type of currency for the customer 25. *See, e.g.*, p. 9, ¶ 0024, lines 1-6. The hedging processor generates currency exchange instruction information to provide instructions to exchange said first type of currency to said second type of currency for the customer 25. *See, e.g.*, p. 8, ¶ 0020, lines 3-6. The hedging processor receives transaction information concerning the customer's 25 transactions involving said goods. *See, e.g.*, p. 7, ¶ 0019, lines 3-4. Upon the occurrence of said first customer-specified event, the hedging processor forwards the currency exchange instruction information to at least one of a plurality of foreign exchange (FX) rate providers based on said currency exchange rules. *See, e.g.*, p. 10, ¶ 0026, lines 1-2.

Claims 39-53 depend from claim 38. These dependent claims provide further steps and features of the computerized method of claim 38.

Claim 54 is directed to a computerized method for monitoring business transactions to provide foreign currency exchange hedging instructions and to provide foreign currency price information for goods of commerce. *See, e.g.*, p. 7, ¶ 0019, lines 1-3. In the method, a hedging processor receives hedging rules (6) sent and set by a customer 25. *See, e.g.*, p. 8, ¶ 0020, lines 1-3; p. 15, ¶ 0044, line 1; FIG. 3. The hedging rules (6) define a customer-specified event that triggers the hedging processor to initiate an exchange of the customer's 25 first type of currency to a second type of currency. *See, e.g.*, p. 9, ¶ 0024, lines 1-6. The hedging processor generates public price information to provide foreign prices of said goods, based on at least one of a predetermined foreign exchange rate received from at least one of a plurality of foreign exchange (FX) rate providers 5. *See, e.g.*, p. 8, ¶ 0020, lines 3-6. The hedging processor generates hedging instruction information to provide instructions based on said hedging rules (6) to exchange said first type of currency to said second type of currency. *See, e.g.*, pp. 12-13, ¶ 0037, lines 1-7. The hedging processor receives transaction information concerning the customer's 25 transactions involving said goods. *See, e.g.*, p. 7, ¶ 0019, lines 3-4. Upon the occurrence of the user-specified event, the hedging processor transmits the hedging instruction information to those designated in said hedging rules (6). *See, e.g.*, p. 10, ¶ 0026, lines 1-2.

Claims Appendix

Listing of Claims:

Claims 1-19 (Canceled).

20. (Previously Presented) A hedging processor for monitoring business transactions for goods of commerce of a customer in a first type of currency, comprising:

at least one input for receiving business transaction information regarding a plurality of business transactions including purchases or sales of goods by a customer, for receiving hedging rules from the customer and set by the customer, wherein said hedging rules define a first user-specified event to initiate an exchange of the customer's first type of currency to a second type of currency on the customer's behalf, for receiving pricing rules from the customer and set by the customer, wherein said pricing rules define a second user-specified event to update foreign currency prices of said goods, and for receiving public price information from at least one of a plurality of foreign exchange (FX) rate providers or FX liquidity providers; and

a processor operably arranged with said at least one input, the processor containing a computer readable program code for generating hedging instruction information to provide instructions to at least one of the plurality of FX rate providers or FX liquidity providers to exchange said first type of currency to said second type of currency, based on said hedging rules and the occurrence of the first user specified event, and for generating public price information to provide updated foreign currency prices of said goods to the customer, based on said pricing rules.

21. (Original) The processor of claim 20, wherein said transaction information is received via at least one transaction data stream, wherein said public price information is generated as at least one price data stream, and wherein said hedging instruction information is generated as at least one hedging instruction data stream.

22. (Previously Presented) The processor of claim 20, wherein said at least one input further receives, from the plurality of FX rate providers or FX liquidity providers, market rate information having current market foreign exchange rates including rates for exchanging said first type of currency to said second type of currency, and vice-versa.

23. (Original) The processor of claim 22, wherein said public price information is further based on the received market rate information.

24. (Original) The processor of claim 23, wherein said market rate information is received via at least one market rate data stream.

25. (Previously Presented) The processor of claim 20, wherein said pricing rules further define when to update said foreign currency prices of said goods, based on at least one of when the current market rate fluctuates by at least a first predetermined amount, when the rate from the public price information deviates from the current market rate by at least a second predetermined amount, after the expiration of a predetermined time interval, or any combination thereof.

26. (Original) The processor of claim 25, wherein said pricing rules further define rules to update said foreign currency prices of said goods, based on either the actual current market rate or said actual current market rate adjusted by a predetermined amount.

27. (Previously Presented) The processor of claim 20, wherein said hedging rules further define when to exchange said first and second types of currency, based on at least one of when the current market rate deviates from the market rate information by at least a first predetermined percent, after the expiration of a predetermined time interval, after a predetermined amount of units of said goods are sold or purchased, after a predetermined amount of currency received from sales or due from purchases of said goods, or any combination thereof.

28. (Original) The processor of claim 27, wherein said hedging rules further define an amount to exchange said first and second types of currency, based on either a total accumulated revenue or deficit of said first type of currency or a predetermined percent of said total.

29. (Previously Presented) The processor of claim 20, wherein said processor is configured within at least one of a local network or a stand-alone computer of said customer.

30. (Original) The processor of claim 20, wherein said processor is configured within an application service provider, remote from said customer.

31. (Previously Presented) The processor of claim 20, further comprising at least one output, the at least one output operably arranged with the processor for forwarding at least one hedging instruction data stream to at least one of the plurality of FX rate providers or FX liquidity providers.

32. (Original) The processor of claim 31, wherein said market rate data stream is received from said FX rate provider of said customer.

33. (Previously Presented) The processor of claim 20, wherein the FX rate provider of the plurality of FX rate providers or FX liquidity providers includes a multi-bank, an individual bank, a non-bank offering a live market foreign exchange price stream and an exchange service based on said price stream, or any combination thereof.

34. (Previously Presented) The processor of claim 20, wherein business transaction information includes a transaction data stream received from a business-to-business (B2B) portal, wherein said B2B portal is a medium to allow said customer to buy or sell said goods.

35. (Previously Presented) The processor of claim 34, wherein said B2B portal is at least one of an online marketplace, a vendor, a purchaser, or any combination thereof.

36. (Previously Presented) The processor of claim 35, further comprising at least one output to forward hedge instruction data streams and the public price data streams as an electronic ticket to at least one of said customer, said FX rate provider, said B2B portal, or any combination thereof.

37. (Previously Presented) A hedging processor for monitoring business transactions for goods of commerce of a customer in a first type of currency, comprising:

at least one input for receiving business transaction information from a customer regarding a plurality of business transactions including purchases or sales of goods, for receiving currency exchange rules from a customer and set by the customer, wherein the currency exchange rules define a customer-specified event to initiate an exchange of a first currency to a second currency for the customer, and for receiving public price information from at least one of a plurality of foreign exchange (FX) rate providers or FX liquidity providers; and

a processor operably arranged with said at least one input, the processor containing a computer readable program code for generating public price information to provide foreign prices of said goods, based on at least one of a predetermined foreign exchange rate, and for generating currency exchange instruction information to provide instructions to at least one of the plurality of FX rate providers or FX liquidity providers to exchange said first currency to said second currency, based on said currency exchange rules and the occurrence of the user-specified event.

38. (Previously Presented) A computerized method for administering transactions involving goods of commerce with a plurality of currency types comprising the steps of:

receiving, by a hedging processor, currency exchange rules from a customer and set by the customer, wherein said currency exchange rules define a first customer-specified event relating to the customer's transactions involving said goods in a first type of currency that triggers the hedging processor to initiate an exchange of said first type of currency to a second type of currency for the customer;

generating, by the hedging processor, currency exchange instruction information to provide instructions to exchange said first type of currency to said second type of currency for the customer;

receiving, by the hedging processor, transaction information concerning the customer's transactions involving said goods;

upon the occurrence of said first customer-specified event, forwarding, by the hedging processor, the currency exchange instruction information to at least one of a plurality of foreign exchange (FX) rate providers based on said currency exchange rules.

39. (Previously Presented) The computerized method for administering transactions according to claim 38, further comprising the steps of:

receiving, by the hedging processor, pricing rules from the customer and set by the customer, wherein said pricing rules define a second customer-specified event that triggers the hedging processor to provide updated pricing of said goods in at least one of said first type of currency and said second type of currency based upon public price information provided by at least one of the plurality of FX rate providers;

upon the occurrence of the second customer user-specified event, receiving, by the hedging processor, updated pricing information of said goods from at least one of the plurality of FX rate providers based on said pricing rules.

40. (Previously Presented) The computerized method for administering transactions according to claim 39, wherein said transaction information is received via at least one transaction data stream, wherein said updated pricing information is received as at least one price data stream, and wherein said currency exchange instruction information is generated as at least one currency exchange instruction data stream.

41. (Previously Presented) The computerized method for administering transactions according to claim 40, further comprising the step of receiving, from one of the plurality of FX rate providers or a foreign exchange liquidity provider, market rate information having current market foreign exchange rates, including rates for exchanging said first type of currency to said second type of currency, and vice-versa.

42. (Previously Presented) The computerized method for administering transactions according to claim 41, wherein said step of generating said updated pricing information is further based on the received market rate information.

43. (Previously Presented) The computerized method for administering transactions according to claim 42, wherein said market rate information is received via at least one market rate data stream.

44. (Previously Presented) The computerized method for administering transactions according to claim 42, wherein said pricing rules further define when to update said foreign currency prices of said goods, based on at least one of when the current market rate fluctuates by at least a first predetermined amount, when the rate from the public price information deviates from the current market rate by at least a second predetermined amount, after the expiration of a predetermined time interval, or any combination thereof.

45. (Previously Presented) The computerized method for administering transactions according to claim 44, wherein said pricing rules further define rules to update said foreign currency prices of said goods, based on either the actual current market rate or said actual current market rate adjusted by a predetermined amount.

46. (Previously Presented) The computerized method for administering transactions according to claim 39, wherein said currency exchange rules further define when to exchange said first and second types of currency, based on at least one of when the current market rate deviates from the market rate information by at least a first predetermined percent, after the expiration of a predetermined time interval, after a predetermined amount of units of said goods are sold or purchased, after a predetermined amount of currency received from sales or due from purchases of said goods, or any combination thereof.

47. (Previously Presented) The computerized method for administering transactions according to claim 46, wherein said currency exchanging rules further define an amount to exchange said first and second types of currency, based on either a total accumulated revenue or deficit of said first type of currency or a predetermined percent of said total.

48. (Previously Presented) The computerized method for administering transactions according to claim 43, further comprising the steps of: forwarding said at least one currency exchanging instruction data stream to a foreign exchange (FX) rate provider of said customer.

49. (Previously Presented) The computerized method for administering transactions according to claim 48, wherein said market rate data stream is received from said FX rate provider of said customer.

50. (Previously Presented) The computerized method for administering transactions according to claim 48, wherein the plurality of FX rate providers include a multi-bank, an individual bank, a non-bank offering a live market foreign exchange rate stream and an exchange service based on said price stream, or any combination thereof.

51. (Previously Presented) The computerized method for administering transactions according to claim 49, wherein said transaction data stream is received from a business-to-business (B2B) portal, wherein said B2B portal is a medium to allow said customer to buy or sell said goods.

52. (Previously Presented) The computerized method for administering transactions according to claim 51, wherein said B2B portal is at least one of an online marketplace, a vendor, a purchaser, or any combination thereof.

53. (Previously Presented) The computerized method for administering transactions according to claim 52, further comprising the step of forwarding the currency exchange instruction data streams and the public price data streams as an electronic ticket to at least one of said customer, said foreign exchange rate provider, said B2B portal, or any combination thereof.

54. (Previously Presented) A computerized method for monitoring business transactions to provide foreign currency exchange hedging instructions and to provide foreign currency price information for goods of commerce, comprising the steps of:

receiving, by a hedging processor, hedging rules sent and set by a customer, the hedging rules defining a customer-specified event that triggers the hedging processor to initiate an exchange of the customer's first type of currency to a second type of currency;

generating, by the hedging processor, public price information to provide foreign prices of said goods, based on at least one of a predetermined foreign exchange rate received from at least one of a plurality of foreign exchange (FX) rate providers;

generating, by the hedging processor, hedging instruction information to provide instructions based on said hedging rules to exchange said first type of currency to said second type of currency; and

receiving, by the hedging processor, transaction information concerning the customer's transactions involving said goods;

upon the occurrence of the user-specified event, transmitting, by the hedging processor, the hedging instruction information to those designated in said hedging rules.